

TOWNSHIP OF VERNON
TOWNSHIP COUNCIL REGULAR MEETING

October 9, 2008

The Regular Meeting of the Township Council of the Township of Vernon was convened at 6:00 p.m. on Thursday, October 9, 2008 in the Vernon Municipal Center, 21 Church Street, Vernon, New Jersey with Mayor Carew presiding.

STATEMENT OF COMPLIANCE

The Township Clerk advised that adequate notice of this meeting as required by the Open Public Meetings Act of 1975 was provided to the newspapers on September 30, 2008 and a copy was posted at the Municipal Building.

SALUTE TO THE FLAG

The Mayor led the assemblage in the salute to the flag.

ROLL CALL OF MEMBERS

Present were Council members Richard Carson, Valerie Seufert, and Mayor Austin Carew. Glenn McLaughlin notified the Clerk he would be arriving late to tonight's meeting. Also present were Township Manager Melinda Carlton and Township Attorney Michael Witt.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 6:08 p.m., Valerie Seufert made a motion to close the meeting to the public and enter into executive session. Motion seconded by Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Austin Carew

NAYES: None.

Municipal Clerk Robin Kline read the following resolution to go into executive session:

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matters to be discussed are:
 - a. Contract – Metairie Redevelopment Agreement. Executive Session minutes will be released to the public record upon completion of this matter.
 - b. Personnel – 2009 Professional Service Appointments. Executive Session minutes will not be released to the public record.
 - c. Contract – Rinker Property Appraisal. Executive Session minutes will be released to the public record upon completion of this matter.
 - d. Personnel matter not be released on public record.
 - e. Attorney-Client – Vernon Cable Television. No anticipated time of release to the public record.
 - f. Attorney-Client – DEP Notice of Violation. No anticipated time of release to the public record.

- g. Litigation – SCUMA Declaratory Judgment action. No anticipated time of release to the public record.
3. It is anticipated that the above-stated subject matter will be made available upon final decision.
4. This resolution shall take effect immediately.

The meeting was reopened to the public at 7:05 p.m.

CHANGES TO THE AGENDA

APPOINTMENT TO THE TOWNSHIP COUNCIL

Mayor Carew asked for a motion at this time to appoint a successor to the Council position vacated by Neil Desmond October 1, 2008. Valerie Seufert made a motion to nominate Gary Grey to fill the vacancy on the Township Council. Seconded by Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Glenn McLaughlin,
Austin Carew

NAYES: None.

Motion carried.

The Municipal Clerk administered the Oath of Office to Gary Grey. Mayor Carew, the Township Council, Township Manager, Township Attorney and the public welcomed Mr. Grey to the Township Council. Mr. Grey thanked the Township Council for appointing him and gave some brief comments concerning his involvement as a coach, Environmental Commission member and Planning Board member.

PROCLAMATION AND PRESENTATION OF RECOGNITION PLAQUES

Mrs. Seufert presented plaques of recognition and appreciation to the students and student advisers of the Glen Meadow School's REBEL (Reaching Everyone by Exposing Lies) organization for their countless hours of volunteer community service helping out at community events throughout the year. Valerie Seufert read the Proclamation recognizing REBEL's efforts to combat youth smoking through education and awareness programs.

Mayor Carew opened the meeting for Public Comment.

PUBLIC COMMENT

Frank Sharkey, Vernon Valley Lake, asked the Township to investigate the Route 515 retention basin for the West Nile virus. He also asked the Township to investigate a possible mold condition inside the tents at Mountain Creek. Mr. Sharkey questioned what happened to the Indian artifacts found by Rick Paterson at the Lenape Pow Wow grounds. He suggested the artifacts be donated to the Lenni Lenape Indian tribe for a museum. Lastly, Mr. Sharkey asked how much more money will the Township have to pay to attract development at the Town Center.

Andrew Germinario, Vernon Little League, requested a waiver of the sign ordinance for the period November 1 –November 21.

Valerie Seufert made a motion to waive the sign ordinance for the period of November 1st through November 21st for the Vernon Little League and granting permission to the Vernon Little League to place signage at locations throughout the Township. Seconded by Richard Carson. With a unanimous voice vote the motion carried.

Laura Blank, Highland Lakes, requested the Township avoid scheduling Public Meetings on important Jewish holidays.

Jim Dinkins, Mohawk Crossing Towing, stated he did not support adding a third towing company to the Township's Towing Ordinance. He felt two towers are adequate and a third tower would take work away from the other two companies. The Chief of Police clarified the addition of a third towing company would allow the Chief of Police to add a third towing company only at times when it will be necessary because of emergency and public safety issues.

Thomas McClachrie, Vernon Taxpayers Association, asked what Resolution 08-197 refers to. The Township Manager responded it addresses a new statutory requirement which applies only to the Township Manager's position. Mr. McClachrie commented that Resolution 08-183 cancels a \$2.06 check and asked when the 2007 Audit will be posted on the Township's Website. He further stated the Vernon Taxpayers Association would like takes cut if not stabilized. Councilmember Glenn McLaughlin commented that the Township should explore electronic and paperless communication measures to save on paper costs. Mr. McClachrie lasted stated the Vernon Taxpayers Association opposes Ordinance 08-21 which creates a new Department Head and any additional costs the new ordinance may impose on Vernon Township Taxpayers.

Joe Edore, Highland Lakes, thanked the Township Council, especially Councilmember Valerie Seufert, for prioritizing the line stripping on Breakneck Road. He also commented that the Township should not move forward on the Town Center project unless RFQ's are received from interested parties. Mayor Carew noted that the Town Center project was initiated years ago when economic conditions promoted the project.

Jessi Paladini, Highland Lakes, offered an apology for an inaccurate statement made at the previous Council Meeting regarding Department of Health waivers given to certain Township officials and corrected her prior statement. Mrs. Paladini spoke about a Township Health Department report concerning buried hazardous waste by the P.A.C.T. Corporation and said the report does not match reports filed with the DEP and the County's Health Department. She asked Richard Carson for an apology. Mrs. Paladini alleged Glenn McLaughlin violated land use laws and construction code regulations and asked for his resignation.

Mary Ellen Vichiconti, 17 Nutley Avenue, spoke about the Township's debt and form of government. She asserted the Council is not working for the average tax payer.

Ira Weiner, 7 Curtis Drive, spoke about the Council not being able to waive an ordinance in reference to the Little League. He spoke about the Town Center and gave a brief history of it. Mr. Weiner expressed his belief that in the long run the Town Center will be an asset and that this and future Council's may want to consider how to deal with the water to make it easier for developers. Mr. Weiner further commented that with the Township's form of government, the Mayor has the same power whether he's voted for by the public or selected by the Township Council to serve as Mayor. He advised that the public should look into all forms of government if they are interested in making a change

Joe Edore, Highland Lakes, asked if two Council members would offer an apology to the public.

Harold MacPeek, Hamburg Lane, questioned why the newly constructed building on Church Street is close to the road frontage and not set back on the property.

Mayor Carew acknowledged Richard Carson who addressed the public regarding his personal notations that were questioned by a resident at the last Township Council meeting and offered his apologies.

Mayor Carew acknowledged Glenn McLaughlin who responded to allegations recently published in a local newspaper column and which were also asserted by a resident at the last Township Council meeting.

PRESENTATION

ST. FRANCIS PROPOSED REDEVELOPMENT PROJECT

Father Boland of the St. Francis Church presented an overview of the concept plan for the proposed redevelopment project at the corner of Route 517 and Route 94. He stated the property, which is owned by the church, has been off the Township tax rolls since 1962. The concept plan proposes to construct a 5-story, 120 room hotel adjacent to Mountain Creek South ski area. The proposed project would incorporate underground parking and a high-quality, yet affordable, Adirondack style accommodations.

Mr. Benecke, the Township's Economic Development Consultant, commented that the Township Council could move the redevelopment concept plan to the Planning Board for their review and consideration.

Councilmember McLaughlin made a motion to move the redevelopment concept plan to the Planning Board for their review and consideration. Seconded by Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Glenn McLaughlin,
Austin Carew

NAYES: None.

ABSTAIN: Gary Grey.

Motion carried.

At 9:10 p.m., Mayor Carew called for a brief recess and reconvened the meeting at 9:23 p.m.

The Township Manager asked the Township Clerk to give a report

TOWNSHIP CLERK'S REPORT

The Township Clerk, Robin Kline, gave a brief overview of some of the work her office performs and what they have worked on with the public, especially regarding voter registration and absentee ballots. She spoke about transitioning the Registrar Services, which were formally performed in our Health Department. She mentioned the Deputy Clerk is currently taking courses which will lead to her certification as a Municipal Registrar. Ms. Kline also spoke about the Open Public Records Act and that she is currently working with the Township Manager on improving the inter-department handling of OPRA requests, many which can be quite complex. Her office is currently undergoing a records management assessment, identifying active and inactive files. Archiving and purging of inactive records will be an ongoing process and will create greater office efficiencies. The 2009 budget is currently being prepared and considered by all the departments. She has put together a mission statement for her office, which will be posted on the Township's Web Site and posted in the Clerk's office. Her office is finalizing goals and objectives for 2009.

The Mayor asked how many OPRA requests have been submitted and how much time is involved. In terms of time, Ms. Kline stated her department has recorded nearly 70 hours devoted to OPRA requests since she started.

TOWNSHIP MANAGER'S REPORT

At the request of Councilmember McLaughlin, the Township Manager, Melinda Carlton, completed a cursory review of a township wide trash and recycling collection program. The Township Manager concluded there would not be a considerable savings to the residents.

The Manager reported there are unused funds available in a previous bond ordinance, which can be utilized to cover the rehabilitation of the Highland Lakes Fire Department tanker fire truck.

Regarding the Little League sign waiver, Ms. Carlton has made a recommendation to the Sign Ordinance Committee to consider sign waivers be done administratively.

Ms. Carlson reported that since the Health Department has moved, she will be rearranging offices within the municipal building at a minimal cost, most of it being done by DPW workers. Councilmember Seufert mentioned there is some confusion with the public about where to get certain Health Department documents. She asked that notices be posted for the public, advising where to go for Health Department files. The Township Manager indicated signs are posted on the Health Department doors and her office is the point of contact for assistance. To date, only one complaint has been received by the Manager's Office concerning Health Department services.

The Breakneck Road striping project has been completed. The Breakneck Road Crossing capital project is expected to be completed by the end of the month.

Two RFP's that are near completion – one has to do with the Town Center audit and the other concerns the Municipal Center improvements.

The Township Manager and Township Engineer interviewed Professional Planner candidates to work on COAH, Highlands and Plan Endorsement projects.

Ms. Carlton passed out September's Budget Summary reports and encouraged the Council to contact her with any questions. She invited members of the Township Council to attend any of the budget meetings to be held with department heads.

TOWNSHIP ATTORNEY'S REPORT

Mike Witt met with the County Health Department last week, and spoke about some of Vernon's current codes and things that we will be changing and updating. So within the next couple of months, you will be seeing new resolutions or ordinances come across, they will be getting our code up to speed with what the current state of the law is. Mr. Witt just wanted to give the Council a heads up, that they may see something come across that's repealing an old section of code and the State's already superseded it, or we may be implementing a new code to comply with new regulations.

APPROVAL OF MINUTES

Valerie Seufert made a motion to accept and approve the September 11, 2008 Township Council Regular Meeting minutes and Executive Session minutes, seconded by Glenn McLaughlin. Motion passed with all members voting in favor; Gary Grey abstained.

CONSENT AGENDA

Resolution #08-182

TOWNSHIP OF VERNON VOLUNTEER FIRE DEPARTMENT MEMBERSHIP

WHEREAS, the Vernon Township Volunteer Fire Department (McAfee Fire Department) has selected Joshua R. Faist for membership, and

WHEREAS, the Vernon Township Volunteer Fire Department has requested the Township of Vernon to authorize and direct the Township Clerk to execute the N.J. State Firemen’s Association Form 100 Rev. 2/04.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of Vernon, New Jersey that the Municipal Clerk is hereby authorized and directed to execute N.J. Firemen’s Association Form 100 Rev. 2/04 for Joshua R. Faist as requested by the Vernon Township Volunteer Fire Department.

Resolution #08-183

AUTHORIZING THE CANCELLATION OF OUTSTANDING CHECKS OVER SIX MONTHS OLD TO MUNICIPAL CASH BALANCES

WHEREAS, the Chief Financial Officer has determined that the following township check have been outstanding for a period in excess of six months:

<u>Check #</u>	<u>Amount</u>	<u>Date of Issue</u>
28274	\$ 2.06	1/29/08

THEREFORE, be it resolved that the above outstanding checks be restored to the township cash balances.

Resolution#08-184

WHEREAS, County Board Judgment has been favorably awarded for the year 2008; and,

WHEREAS, such judgments have resulted in an overpayment of 2008 taxes on the following accounts:

<u>BLOCK</u>	<u>LOT</u>	<u>QUAL</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>LOCATION</u>
61	13.03		Mountain Top Self Storage	\$ 103.01	858 Warwick Tpke
188.01	1	C0001	Bieber, Felicia	\$1,817.25	1-11 Maple Crescent
188.01	1	C0002	Deutscher, J Matthew	\$2,409.85	1-21 Maple Crescent
188.01	1	C0003	Pagel, Susan & Haines Sandra	\$ 948.28	1-12 Maple Crescent
188.01	1	C0008	Realty Jet LLC	\$2,409.85	1-24 Maple Crescent
188.01	2	C0001	Weeks, Robert J & Catherine M	\$1,870.63	3-11 Maple Crescent
188.01	2	C0006	W85th St OCC Corp % Tenzer	\$2,510.09	3-23 Maple Crescent
188.01	3	C0001	Marino, Patricia	\$1,870.63	5-11 Maple Crescent
188.01	3	C0002	Aston, Jeff & Monica	\$2,510.09	5-21 Maple Crescent
188.01	3	C0003	Black Creek LLC	\$1,346.42	5-12 Maple Crescent
188.01	3	C0006	Gerhard, Peter & Kristen	\$2,510.09	5-23 Maple Crescent
188.01	4	C0001	Gavin, Martin A	\$1,817.25	7-11 Maple Crescent
188.01	4	C0002	Heacock, Todd R & Eloise	\$2,409.85	7-21 Maple Crescent
188.01	4	C0004	DeMarco, Michael	\$1,068.72	7-22 Maple Crescent
188.01	4	C0008	Patel, Kaival R & Dipika K	\$2,409.85	7-24 Maple Crescent
188.01	5	C0002	Laschever, Jack & Sonali	\$2,409.85	9-21 Maple Crescent
188.01	5	C0003	Maguire, Dawn	\$ 948.28	9-12 Maple Crescent
188.01	5	C0005	Reed, David	\$1,817.25	9-13 Maple Crescent
188.01	5	C0008	Reed, David	\$2,409.85	9-24 Maple Crescent
188.01	6	C0004	Zeikowitz, Steven Etal	\$1,460.59	10-22 Maple Crescent
188.01	6	C0006	Sattari, Sharon	\$2,510.09	10-23 Maple Crescent
188.01	7	C0001	Spencer, Wayne D & Shelley	\$1,817.25	8-11 Maple Crescent
188.01	7	C0004	DuPree, Frank P & Giovanna	\$1,068.72	8-22 Maple Crescent
188.01	7	C0005	Szipszky, Robert J & Patricia	\$1,817.25	8-13 Maple Crescent

188.01	7	C0006	Maldonado, Jose O	\$1,068.72	8-23 Maple Crescent
188.01	8	C0001	Kulhanjian, Ronald & Nadya	\$1,870.63	6-11 Maple Crescent
188.01	8	C0002	Kern, Cheryl	\$2,510.09	6-21 Maple Crescent
188.01	8	C0005	DiMeglio, Anthony & Susan	\$1,346.42	6-13 Maple Crescent
188.01	8	C0006	Graves, Mary & Bradford	\$2,510.09	6-23 Maple Crescent
188.01	9	C0002	Green, Jane S	\$2,409.85	4-21 Maple Crescent
188.01	9	C0003	Drew, James D	\$ 948.28	4-12 Maple Crescent
188.01	9	C0005	DeMartin, Charles P & Frances	\$1,817.25	4-13 Maple Crescent
188.01	9	C0008	Steliga, Kenneth J & Timothy	\$2,409.85	4-24 Maple Crescent
188.01	10	C0001	Rodriguez, Rosa	\$1,870.63	2-11 Maple Crescent
188.01	10	C0004	Sweeney, John W & Karen	\$1,460.59	2-22 Maple Crescent
188.01	10	C0005	Jelinski, David & Denise	\$1,346.42	2-13 Maple Crescent
188.01	10	C0007	Patel, Mahesh & Lucia	\$1,870.63	2-14 Maple Crescent
188.01	11	C0001	Kattskill Klub Inc	\$1,393.92	1-11 Pine Crescent
188.01	11	C0008	Miller, Andrew J & Julia A	\$1,743.44	1-24 Pine Crescent
188.01	12	C0002	Marks, William & Ellen	\$2,510.09	3-21 Pine Crescent
188.01	12	C0003	Foley, Mark C & Nilgun A	\$1,346.42	3-12 Pine Crescent
188.01	12	C0004	Heinz, Thomas J	\$1,460.59	3-22 Pine Crescent
188.01	12	C0006	Simonian, Gregory & Carlina D	\$2,510.09	3-23 Pine Crescent
188.01	12	C0007	Spano, Joseph P & Renee	\$1,870.63	3-14 Pine Crescent
188.01	13	C0001	Pio, Jeffrey M & Bernadette	\$1,817.25	5-11 Pine Crescent
188.01	13	C0005	Kuczinski, Anthony & Janice	\$1,817.25	5-13 Pine Crescent
188.01	13	C0006	O'Keefe, Richard J T & Barbara	\$1,068.72	5-23 Pine Crescent
188.01	13	C0008	Barros, Anthony & Emilie	\$2,409.85	5-24 Pine Crescent
188.01	14	C0001	Hanenian, Mary	\$1,817.25	12-11 Pine Crescent
188.01	14	C0002	Architectural Holdings LLC	\$2,409.85	12-21 Pine Crescent
188.01	14	C0003	Beckner, Dale	\$ 948.28	12-12 Pine Crescent
188.01	14	C0005	Lieberman, Darryl DDS PC	\$1,817.25	12-13 Pine Crescent
188.01	14	C0006	Kimberton Properties LLC	\$1,068.72	12-23 Pine Crescent
188.01	14	C0008	Hanenian, Mary	\$2,409.85	12-24 Pine Crescent
188.01	15	C0002	Seitz, Donald & Patricia	\$2,510.09	10-21 Pine Crescent
188.01	15	C0004	Damiao, Mario	\$1,460.59	10-22 Pine Crescent
188.01	15	C0005	Ang, Henry T & Mary Etal	\$1,346.42	10-13 Pine Crescent
188.01	16	C0002	Megerdichian, Varton & Virginia	\$2,409.85	8-21 Pine Crescent
188.01	16	C0006	Blumling, Leah C TST	\$1,068.72	8-23 Pine Crescent
188.01	16	C0008	Silver, Edward & Lenore	\$2,409.85	8-24 Pine Crescent
190	9	CA118	Kristinsson, Jon & Laura	\$ 369.74	200 Rt 94 Unit118
190	9	CA124	BuildDreams LLC	\$ 369.74	200 Rt94 Unit124
190	9	CA206	Lee, Esther M & Kevin S	\$ 716.61	200 Rt94 Unit206
190	9	CA229	Sprauer, Louis & Jacquelyn Etal	\$ 6.30	200 Rt94 Unit229
190	9	CA301	Woo, Rhoda H	\$ 331.70	200 Rt94 Unit301
190	9	CA304	Avedisian, Joyce	\$ 400.20	200 Rt94 Unit304
190	9	CA315	Sorensen, David M & Ruth	\$ 932.93	200 Rt94 Unit315
190	9	CA318	Gadhavi, Erin E	\$ 400.20	200 Rt94 Unit318
190	9	CA322	HJS ENT LLC % Bau, Howard	\$ 400.20	200 Rt94 Unit322
190	9	CA333	Bosca, Lloyd & Jeanne	\$ 932.93	200 Rt94 Unit333
190	9	CA337	Lee, Kevin & Esther	\$ 577.78	200 Rt94 Unit337
190	9	CA401	Maguire, Dawn E	\$ 442.54	200 Rt94 Unit401
190	9	CA402	Herrup, Stacie	\$ 620.12	200 Rt94 Unit402
190	9	CA404	Arenholz, Robert Etal	\$ 294.72	200 Rt94 Unit404
190	9	CA406	Kiszka, Robert & Marta	\$ 294.72	200 Rt94 Unit406
190	9	CA418	Donahue, Brian	\$ 294.72	200 Rt94 Unit418
190	9	CA429	Kevlin Holdings LLC	\$ 827.45	200 Rt94 Unit429
190	9	CA433	Cahill, Mary Ellen	\$ 827.45	200 Rt94 Unit433
190	9	CB132	Cronin, Christopher & Patricia	\$ 377.81	200 Rt94 Unit132
190	9	CB246	Wigder, William M & Elaine F	\$ 192.17	200 Rt94UnitCB246
190	9	CB340	Roche, Lawrence R	\$ 296.74	200 Rt94 Unit340
190	9	CB342	Chrimson, LLC % Parziale,G&L	\$ 400.20	200 Rt94 Unit342
190	9	CB343	Fayngersh, David	\$ 932.93	200 Rt94 Unit343
190	9	CB447	Monahan, Kevin J & Phuong D	\$ 827.45	200 Rt94 Unit447
230.18	4		Zich, Thomas P	\$ 98.88	16 Wilson Ave/7GrandSt

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Vernon, County of Sussex, State of New Jersey, hereby authorize the Township Treasurer to issue a refund for said overpayment of property taxes.

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector and Township Treasurer.

Resolution #08-185

CANCELLATION OF CHILD PASSENGER SAFETY EDUCATION GRANT RECEIVABLE AND APPROPRIATION BALANCES

WHEREAS, there is a receivable with an offsetting appropriation from the State of New Jersey Child Passenger Safety Education Grant in the amount of \$4,200.00 and

WHEREAS, this receivable is no longer collectible as revenue

NOW, THEREFORE, BE IT RESOLVED that the receivable and budget appropriations be cancelled.

Resolution #08-186

LIMOUSINE LICENSE

BE IT RESOLVED by the Township Council of the Township of Vernon that all documentation and insurance information is in order and approval is hereby granted for a Limousine License for Lee Widdicombe, Glenwood Mountain Limousine & Car Service, 31 Raymond Lane, Sussex, New Jersey 07461.

Resolution #08-189

AUTHORIZING THE APPROVAL OF BILLS LIST

Be it resolved that the following bills lists are hereby approved:

Current	ck#29958	to	ck#
Current	ck#29959	to	ck#30013
Capital	ck# 2555	to	ck#2558
Grant	ck#30014	to	ck#
Planning & Zoning	ck# 3785	to	ck#3786
Recreation Trust	ck# 838	to	ck#
Recreation Trust	ck# 839	to	ck#
Dog Trust	ck#	to	ck#
Other Trust	ck# 766	to	ck#
Other Trust	ck# 767	to	ck#774
Senior Citizen Trust	ck#	to	ck#
Outside Services	ck# 1482	to	ck#1483
Unemployment Trust	ck#	to	ck#
Open Space Trust	ck# 218	to	ck#
PVL Dam Rehab Asm	ck#	to	ck#
PVL Dam Rehab Exp	ck#	to	ck#
COAH	ck#	to	ck#
Sewer Operating	ck#	to	ck#
Sewer Capital	ck#	to	ck#
Developer's Bonds	ck# 103	to	ck#
Road Assessment	ck#	to	ck#
Payroll Deduction	ck#	to	ck#
Payroll Checks	ck# 32807 (1 add'l check for 2nd pay in Sept)		
Payroll Deduction	n/a		
Total Payroll	\$3016.28		
Payroll Checks	ck#32808 to ck#32856 (1 st pay in Oct)		
Payroll Deduction	ck# 3019 to ck# 3021		
Total Payroll	\$310,225.89		

Resolution #08-190

TOWNSHIP OF VERNON VOLUNTEER FIRE DEPARTMENT
JUNIOR MEMBERSHIP

BE IT RESOLVED by the Township Council of the Township of Vernon, that all documentation is in order and the following junior fire department

membership approval is hereby granted for Thomas Anthony O'Brien, Vernon Township Fire Department (McAfee Fire Department).

Resolution # R08-193

TAX OVERPAYMENT

WHEREAS, DUPLICATE PAYMENTS were made on the Third quarter 2008 taxes; and

WHEREAS, such payments created an OVERPAYMENT;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Vernon, County of Sussex, State of New Jersey, hereby authorize the Township Treasurer to issue check for said overpayment and the Tax Collector refund said overpayment of taxes on the following accounts:

<u>BLOCK/LOT</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>QTR</u>	<u>LOCATION -----</u>
150.19/4	Washington Mutual Re: Benner,Dorothy/FHLMC #06495479288	\$ 1,016.95	3 rd	106 Grandview Road

and,

BE IT FINALLY RESOLVED, that a certified copy of this Resolution be forwarded to the Tax Collector and the Township Treasurer.

Resolution # 08-194

AUTHORIZING THE MAYOR AND COUNCIL TO CANCEL THE 2008 TAXES ON BLOCK 31 LOT 1.01 ACQUIRED BY THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION/GREEN ACRES

WHEREAS N.J.S.A.54:4.3.3 allows property acquired by the State of New Jersey D.E.P./Green Acres to become tax exempt, and,

WHEREAS, the State of New Jersey D.E.P./Green Acres has acquired Block 31 Lot 1.01 Glenwood on November 29th, 2007, and,

WHEREAS, the State of New Jersey D.E.P./Green Acres is claiming effective for the 2008 taxes, tax exempt,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Vernon, County of Sussex State of New Jersey, hereby authorize the Tax Collector to cancel the 2008 taxes in the amount of \$828.69 as deemed necessary.

BE IT FINALLY RESOLVED, that a certified copy of the Resolution be forwarded to the Tax Collector and Township Auditor.

Resolution # 08-195

AUTHORIZING THE MAYOR AND COUNCIL TO CANCEL THE 2008 TAXES ON BLOCK 143 LOT 31 ACQUIRED BY THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION/GREEN ACRES

WHEREAS N.J.S.A.54:4.3.3 allows property acquired by the State of New Jersey D.E.P./Green Acres to become tax exempt, and,

WHEREAS, the State of New Jersey D.E.P./Green Acres has acquired Block 143 Lot 31, 2-22 Mordaunt Road on December 1st ,2006, and,

WHEREAS, the State of New Jersey D.E.P./Green Acres is claiming effective for the 2008 taxes, tax exempt,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Vernon, County of Sussex State of New Jersey, hereby authorize the Tax Collector to cancel the 2008 taxes in the amount of \$5,750.08 as deem necessary.

BE IT FINALLY RESOLVED, that a certified copy of the Resolution be forwarded to the Tax Collector and Township Auditor.

Resolution # 08-196

AUTHORIZING THE MAYOR AND COUNCIL TO CANCEL THE 2007 TAXES ON
BLOCK 150 LOT 2 ACQUIRED BY THE STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION/GREEN ACRES

WHEREAS N.J.S.A.54:4.3.3 allows property acquired by the State of New Jersey D.E.P./Green Acres to become tax exempt, and,

WHEREAS, the State of New Jersey D.E.P./Green Acres has acquired Block 150 Lot 2 and additional Block 150.14 Lots 16-40 Off Lakeshore Dr HL on October 25th ,2007, and,

WHEREAS, the State of New Jersey D.E.P./Green Acres is claiming effective for the 2008 taxes, tax exempt,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Vernon, County of Sussex State of New Jersey, hereby authorize the Tax Collector to cancel the 2008 taxes in the amount of \$4,325.24 as deem necessary.

BE IT FINALLY RESOLVED, that a certified copy of the Resolution be forwarded to the Tax Collector and Township Auditor.

Glenn McLaughlin moved to approve the Consent Agenda, seconded by Richard Carson

Valerie Seufert asked that Resolution 08-185 be taken off the Consent Agenda for discussion.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Glenn McLaughlin, Austin Carew

NAYES: None.

ABSTAIN: Gary Grey

RESOLUTIONS FOR DISCUSSION AND ACTION

Resolution #08-185

CANCELLATION OF CHILD PASSENGER SAFETY EDUCATION GRANT
RECEIVABLE AND APPROPRIATION BALANCES

WHEREAS, there is a receivable with an offsetting appropriation from the State of New Jersey Child Passenger Safety Education Grant in the amount of \$4,200.00 and

WHEREAS, this receivable is no longer collectible as revenue

NOW, THEREFORE, BE IT RESOLVED that the receivable and budget appropriations be cancelled.

Glenn McLaughlin moved to approve this Resolution, seconded by Richard Carson.

Valerie Seufert questioned if this grant was cancelled to which Township Manager Melinda Carlton responded that the Township had failed to apply for reimbursement on a timely basis and so lost the grant funding.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert,
and Austin Carew

Motion carried.

Resolution #08-187

AUTHORIZING AN APPLICATION AND ACCEPTANCE OF FUNDING FROM
THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS SHARING
AVAILABLE RESOURCES EFFICIENTLY 2009(SHARE) GRANT FUNDS FOR
THE PURPOSE OF PROVIDING CORE HEALTH SERVICES TO VERNON
TOWNSHIP BY THE COUNTY OF SUSSEX

WHEREAS, the Township of Vernon has agreed to apply for SHARE(Sharing Available Resources Efficiently) assistance through the State of New Jersey Local SHARE Program in the amount of \$200,000; and

WHEREAS, County of Sussex has agreed to be the lead agency in this endeavor; and

WHEREAS, the State of New Jersey has made SHARE assistance available to assist local units study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our local units through the sharing of Health services, that would be beneficial to both or all local units; and

WHEREAS, the Township Of Vernon has executed a Shared Services Agreement with County of Sussex in order to implement the shared health services.

NOW, THEREFORE, BE IT RESOLVED, by the Township of Vernon, that the Township of Vernon does hereby join with County of Sussex in applying for a grant for the purpose of shared Health Services.

Glenn McLaughlin moved to approve this Resolution, seconded by Valerie Seufert.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert,
and Austin Carew

Motion carried.

Resolution #R08-188

ACKNOWLEDGING RECEIPT OF THE 2009 PROPOSED BUDGET REVENUES
AS PROJECTED

WHEREAS, on July 24, 2008 the Township Council of the Township of Vernon adopted the 2008 Annual Budget for the Current Fund (commonly referred to as the "General Fund"), the Sewer Utility Operating Budget, and the

Trust Funds covered by the Dedication by Rider provisions of the State of New Jersey Budget Law, and

WHEREAS, the Township Manager and Township Council are developing a financial system to monitor revenues and expenses so that a transparent system is maintained for all public funds, and

WHEREAS, the Finance Office of the Township of Vernon has prepared the attached 2009 Proposed Budget Revenues, as projected.

NOW THEREFORE BE IT RESOLVED, that the Township Council hereby acknowledges receipt of the 2009 Proposed Budget Revenues, as projected.

Richard Carson moved to approve this Resolution, seconded by Glenn McLaughlin.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert,
and Austin Carew

Motion carried.

Resolution #08-191

RESOLUTION TO CREATE THE VERNON TOWNSHIP
ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

WHEREAS, Vernon Township is currently faced with many complex economic development issues;

WHEREAS, the Vernon Township Council wishes to improve economic development within the Township; and

WHEREAS, future economic development and smart growth in Vernon Township will affect and benefit the citizens of this community; and

WHEREAS, the Vernon Township Council desires to establish the Vernon Township Economic Development Advisory Committee for the purpose of reviewing and analyzing economic development information and advising the Council regarding the same.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Vernon, County of Sussex, State of New Jersey, that the Vernon Township Economic Development Advisory Committee is hereby established;

BE IT FURTHER RESOLVED that the Vernon Township Economic Development Advisory Committee shall consist of 7 to 9 members, as follows:

1. Mayor or member of governing body (*ex officio*)
2. Planning Board member
3. Township Manager (or designee)
4. Member of Public
5. Member of Public
6. Member of Public
7. Member of Public
8. Member of Public

Valerie Seufert moved to approve this Resolution, seconded by Glenn McLaughlin.

Valerie Seufert stated in past years the Economic Development Committee helped to establish delivery of better services and efficiencies by the U.S.

Postal Service and local telecommunication companies and further stated she fully endorses the reestablishment of this committee.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert,
and Austin Carew

Motion carried.

Mayor Carew stated it would be appropriate to nominate members to Economic Development Committee at this time.

Valerie Seufert moved to appoint the following individuals to the newly established Economic Development Committee:

Carol Williams Susan George Jack Smith
Sally Rinker Mary Emilius Richard Wetzel

The motion was seconded by Glenn McLaughlin.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert,
and Austin Carew

Motion carried.

Resolution #08-192

TOWNSHIP OF VERNON 2007 ANNUAL AUDIT

WHEREAS, N.J.S.A. 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2007 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Vernon, hereby states that is has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Richard Carson moved to approve this Resolution, seconded by Valerie Seufert.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert,
and Austin Carew

Motion carried.

Resolution #R08-197

RESOLUTION AUTHORIZING ADOPTION OF VALIC GOVERNMENTAL
VOLUME SUBMITTER PLAN

WHEREAS, THE TOWNSHIP OF VERNON, (hereinafter, the "Employer"), desires to establish a retirement plan for the exclusive benefit of its employees and their beneficiaries; and

WHEREAS, the Employer desires to adopt the VALIC Governmental Volume Submitter Plan; and

NOW THEREFORE, BE IT RESOLVED, that the Employer hereby adopts the document titled "The Variable Annuity Life Insurance Company Governmental Volume Submitter Plan," effective January 1, 2008.

RESOLVED FURTHER, that the appropriate representatives of the Employer be, and the same hereby are, authorized and directed to: (i) execute the adoption agreement to the VALIC Governmental Volume Submitter Plan document, as approved; (ii) execute all other documents and to do all other things as may be necessary or appropriate to make the VALIC Governmental Volume Submitter Plan effective January 1, 2008, including the execution of any amendments required by the Internal Revenue Service in order to continue and maintain the qualified and exempt status of the Plan; and (iii) execute any other documents required to obtain reliance on advisory letters issued to the VALIC Governmental Volume Submitter Plan by the Internal Revenue Service.

Valerie Seufert moved to approve this Resolution, seconded by Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert,
and Austin Carew

Motion carried.

Resolution #R08-198

AUTHORIZING THE APPLICATION FOR NEW JERSEY DEPARTMENT OF
COMMUNITY AFFAIRS RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS
WITH DISABILITIES GRANT

WHEREAS, the Township of Vernon desires to apply for and obtain a grant from the New Jersey Department of Community Affairs, for approximately \$10,000.00 State share with \$2,000.00 local share for a total contract of \$12,000.00 for 2009 to provide therapeutic horse back riding recreational opportunities for people with disabilities.

BE IT THEREFORE RESOLVED, that the Township of Vernon does hereby authorize the application for such a grant; therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of the agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of such funds pursuant to the terms of said Agreement between the Township of Vernon and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application, the agreement and any other documents necessary in connection therewith:

Melinda Carlton,
Township Manager

Austin Carew,
Township Mayor

Valerie Seufert moved to approve this Resolution, seconded by Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Gary Grey, Glenn McLaughlin, Valerie Seufert,
and Austin Carew

Motion carried.

INTRODUCTION OF PROPOSED ORDINANCES - FIRST READING

ORDINANCE # 08-20

ORDINANCE TO PROVIDE FOR THE REGULATING OF TOWING SERVICE
OPERATORS TO BE USED BY THE VERNON TOWNSHIP POLICE
DEPARTMENT FOR WRECKED, DISABLED AND ABANDONED VEHICLES

Be it ordained by the Township Committee of the Township of Vernon, in the County of Sussex and State of New Jersey:

Section 1:

This ordinance shall be known as the "Vernon Township Towing and Storage Ordinance."

Section 2:

DEFINITIONS:

"Absorbent" – a granulated or powdered substance used to soak up fluids used in the operation of motor vehicles, i.e.: Speedy-dry.

"Administrative Charges" – charges for post accident services; included but not limited to services such as inspection, telephone or fax calls, paperwork, etc.

“Chief of Police” – the Chief of Police of the Township of Vernon Police Department.

“Cruising” – the operation of a tow truck within the Township of Vernon for the purpose of soliciting business.

“Disabled Vehicle” – a motor vehicle which has been abandoned or rendered inoperable by mechanical failure or accident. Any motor vehicle which constitutes a hazard to the motoring public due to its location shall be deemed disabled for the purposes of this ordinance.

“Garage” – a building or property within the Township of Vernon, deemed and zoned a commercial property, where motor vehicles can be sheltered, stored, repaired, and made ready for use, including but not limited to a gasoline station.

“Owned” – for the purpose of this ordinance shall mean owned, rented, or leased.

“Person” – any individual, proprietorship, firm, partnership, corporation or other organization; either singular or plural, masculine or feminine, unless the contrary is clearly expressed.

“Police Department” – the Township of Vernon Police Department.

“Police Towing Permit” – a permit issued pursuant to this Ordinance and the New Jersey Predatory Towing Prevention Act, N.J.S.A. 56:8-1, et seq., allowing a person to tow vehicles at the request of the Township of Vernon Police Department.

“Recovery” – the procedure in which the tow operator uses the tow vehicle and/or equipment to return a vehicle to the roadway and position it in a manner in which it can be towed.

“Storage Day” – twenty-four hour period or any portion thereof.

“Tow Vehicle” – a vehicle, including a flatbed, wrecker or tow truck, employed for the purpose of towing, transporting, impounding or otherwise removing any and all kinds of vehicles that are unable to be operated under their own power.

“Waiting Time” – additional time that a tow operator spends at the scene other than time required to perform the tow duties. Examples of this may include but are not limited to emergency medical services being provided and/or police investigation.

“Winching” – the use of the tow vehicle’s tow cable to extricate a vehicle. Winching is not pulling a vehicle onto a tilt bed or flatbed, nor lifting a motor vehicle with a conventional tow sling.

Section 3:

APPLICATIONS FOR POLICE TOWING PERMIT:

Applications for a Police Towing Permit shall be made to the Chief of Police. All applications shall be submitted upon the forms prepared by and made available from the Police Department and shall state under oath:

1. The applicant will be available on a twenty-four hour basis, when scheduled, to provide towing and emergency road service and impounding of vehicles.
2. The applicant will provide service according to the police towing rotation schedule as established and provided by the Chief of Police or his designee.

3. The applicant will arrange for another tow service approved by the Township of Vernon to replace him when unable to meet his commitment for any portion of his on-call status or when he does not have the proper equipment to fulfill his duties.
4. The applicant will provide the location and description of the tow trucks owned by the applicant, including the year, make, model, type, color, VIN and registration as well as a list of the operators and copies of their driver's licenses.
5. The applicant has a commercial property within the Township of Vernon which has been approved and zoned for the storage of motor vehicles and such property can properly accommodate and protect the vehicles stored there.
6. The location in which the vehicles are stored when towed under the provisions of this Ordinance, and the premises shall meet all applicable Township Code property maintenance requirements as such currently exist and/or as may be amended in the future.
7. The applicant will comply with the service rates as established and provided by this Ordinance.
8. The applicant will provide, and update when needed, a telephone number(s) to be utilized by the Police Department on a twenty-four hour basis to request towing and/or emergency service.
9. The applicant will sign a statement agreeing to abide by the rules, regulations and provisions governing the towing services.
10. The applicant must have and properly maintain a minimum of one wrecker/conventional tow truck and one flatbed tow truck. At a minimum, the following equipment is required on the responding tow vehicle: emergency warning lights, broom and shovel, minimum of 50 pounds liquid absorbent, and an ample supply of business cards to provide the owner/operator of the vehicle to be towed.
11. The applicant agrees to provide any further information which the Chief of Police shall deem necessary to effectuate the purpose of this Ordinance.
12. The tow vehicles have been properly licensed and equipped in compliance with Title 39 of the Revised Statutes of New Jersey's Motor Vehicle and Traffic Regulations, including the tow truck decal, as well as the provisions of this Ordinance. No tow vehicle shall be licensed as a tow vehicle that is using dealer license plates.
13. The insurance policies and tow vehicle decals as required by Motor Vehicle Commission have been procured and supplied. The insurance coverage must meet or exceed the limits described in this Ordinance.
14. All tow vehicles will have the business name, town and telephone number permanently affixed on both sides of the vehicle. The letters and numbers shall be a minimum of two inches in height.
15. The applicant shall comply at all times with the requirements of N.J.S.A. 56:8-1, et seq., the "New Jersey Predatory Towing Prevention Act."

The Chief of Police or designee shall inspect all premises and towing vehicles prior to the grant of any permit under this Ordinance.

Section 4:

INSURANCE COVERAGE & INDEMNITY

1. A permittee shall maintain liability insurance which meets or exceeds the following:
 - a. In the case of each light-medium duty tow truck, motor vehicle liability coverage for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of at least \$750,000 single limit; and
 - b. In the case of each heavy-duty tow truck, motor vehicle liability coverage for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of at least \$1,000,000 single limit; and

- c. A garage liability policy including business auto covering the operation of the applicant's business, equipment and vehicles for any bodily injury or property damage in the minimum amount of \$750,000.
2. A permittee shall indemnify and hold harmless the Township of Vernon, for liability from any and all obligations, liabilities, judgments, claims, and demands, for personal injuries, including wrongful death. This will also include all claims for damages to property which may arise out of this agreement and the work performed hereunder, provided same results from the negligent actions or omissions of the applicant. The applicant further agrees to save and hold harmless the Township of Vernon and to defend, at its own cost and expense, any such claims or lawsuits instituted by third parties against the Township, provided same results from the negligent actions or omissions of the applicant.
3. Vernon Township shall be named as an additional insured under the liability portion of the policy, and shall provide proof of insurance to the Chief of Police prior to engaging in any towing activities pursuant to this Ordinance.

Section 5:

POWERS AND DUTIES OF THE POLICE

1. The Chief of Police is hereby authorized to establish reasonable rules and regulations for the inspection and operation of tow vehicles as well as the design, construction, maintenance and conditions for the safe conduct of a towing service business, in accordance with the standards outlined in the Ordinance. The Police Department shall have the right at all times to inspect all licensed tow vehicles for safety purposes.
2. If, at any time, the Police Department finds the equipment inadequate or unsafe, the Chief of Police or designee shall have the power to demand immediate correction. If the problem is not corrected to the satisfaction of the Chief of Police, he shall have the power to revoke or suspend the permit and schedule a hearing depending upon the nature and the circumstances of the violation.
3. The Chief of Police shall have the power to revoke or suspend his approval of a particular towing company for violation of these rules and regulations, or any conviction of moral turpitude by the towing operator.
4. The Chief of Police is also hereby authorized and empowered to establish, from time to time, additional rules and regulations, not inconsistent herewith, as may be reasonable and necessary in carrying out the provisions of this Ordinance.
5. The Chief of Police is hereby authorized to establish a system of rotation in the assignment of tow vehicles on the towing list.
6. The Chief of Police shall keep a record of the following information for tow companies approved under this Ordinance: business name, business owner's name, description and registration number of tow vehicles, date of the last inspection of tow vehicles, all towing company operators' and employees' names and driver license numbers, and proof of insurance.
7. During exigent circumstances, the Police Department has the authority to deviate from existing policy. This deviation and reason for same will be reported to Police Communications and documented. Examples of this may be, but are not limited to, motor vehicle accident next to local wrecker facility, excessive traffic congestion, heavy-duty tow, overwhelming amount of vehicles to be towed all at the same time, extreme weather occurrences, etc.
8. The Chief of Police is hereby authorized to review and recommend to the Township amendments to the service rates on yearly basis, if needed.

An appeal of revocation or suspension by the Chief of Police shall be filed with the Township Council within ten days of the Chief's decision. A hearing may be held within thirty calendar days of the filing, with a ruling forthcoming from the Township Committee within twenty calendar days of the final hearing.

Section 6:

CONDUCT OF OWNERS AND OPERATORS

1. No operator shall respond to the scene of a motor vehicle accident except upon notification by the Vernon Police Department, or upon request of the driver/owner of a disabled vehicle.
2. No operator of a tow vehicle shall engage in cruising.
3. No operator shall solicit, demand or receive from any person any commission or fee except the proper fee for transporting the disabled vehicle in accordance with the regulation.
4. No person shall pay any gratuity, tip or fee to any police department employee for information as to the location of any accident or for soliciting the employment of the operator's services.
5. A vehicle impounded by the police shall not be released without prior permission from the Police Department.
6. It shall be the responsibility of the towing company to obtain proper proof of ownership and identification prior to the release of any vehicle
7. After receipt of notification of an incident by the Police Department, it is the responsibility of the tow operator to be en route to the location within 10 minutes during the day and 20 minutes at night, unless unforeseen circumstances arise. The operator must continue to be accessible via cellular phone in case the operator is needed to be diverted to a more urgent situation or location.
8. All operators shall at all times comply with all provisions of the New Jersey Predatory Towing Prevention Act, N.J.S.A. 56:8-1, et seq.

Section 7:

ROTATING CALL LIST AND SCHEDULE

A rotating call list of no less than two (2) and no more than three (3) qualified permittees shall be maintained by the Chief of Police, with the number to be set in the discretion of the Chief of Police. In the event the on-call tow service is not available, the next tow service in the rotation on the tow list will be used to assure fairness. Substitute operators are acceptable, but only tow services utilized from the established rotation tow list are allowed absent exceptional circumstances, to be determined by the Chief of Police.

Section 8:

SERVICE RATES

Day rate shall be from the hours of 8:00 AM to 6:00 PM Monday thru Friday.

Night rate shall be from the hours of 6:01 PM to 7:59 AM Monday thru Friday and on all weekends and Federally recognized holidays.

Labor rate shall be an added charge when additional services are needed such as: winching, recovery, extensive roadway clean-up of motor vehicle debris, operator waiting time, tree removal, guide rail removal, etc. This rate is chargeable in quarter hour increments with a minimum one half hour allowed.

INITIAL TOW:

Day rate tow - \$90

Night rate tow - \$100

ADDITIONAL CHARGES:

Mileage rate(one way) - \$4.00 per mile

Labor rate - \$80 per hour (when applicable)

Administrative charge - \$25

DWI tow - \$50 (when applicable)

STORAGE PER DAY:

- Motor vehicle outside - \$35
- Motor vehicle inside - \$45
- Motorcycle outside - \$25
- Motorcycle inside - \$35

Section 9:

IMPOUNDED VEHICLES

All vehicles impounded at Vernon Township impound yard shall not be released until the tow company has been paid in full for their services. If the vehicle was impounded at the tow company's yard, the owner of the vehicle must get a release form from the Vernon Township Police Department and then pay the tow company in full prior to the release of the vehicle.

Section 10:

VEHICLE OWNERS REQUEST

Whenever towing or emergency road service is required, the vehicle's owner or operator may request a specific towing service provided the vehicle does not impede the flow of traffic or present a hazard and provided the requested tow service is available within a reasonable period of time. Depending on the circumstances, the police officer at the scene will make the decision whether to utilize the requested tow service or the on-call tow company.

Section 11:

SEVERABILITY

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase herein shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sub-sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 12:

All Ordinances inconsistent with this Ordinance are repealed to the extent of said inconsistency or conflict.

Section 13:

This Ordinance shall take effect upon final passage, adoption and publication in a manner prescribed by law.

Ordinance #08-20 was read by title only.

Councilmember Valerie Seufert made a motion to introduce Ordinance #08-20 on first reading and so advertise with second reading and final adoption on October 23, 2008, seconded by Councilmember Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Glenn McLaughlin,
Gary Grey, Austin Carew

NAYES: None.

ORDINANCE #08-21

AN ORDINANCE CONTINUING THE VERNON TOWNSHIP BUREAU OF ANIMAL CONTROL AND REPEALING CHAPTER 5, ARTICLE XII, SECTION 5-60 THROUGH SECTION 5-64 OF THE VERNON TOWNSHIP CODE

WHEREAS, Chapter 5, Article XII, Sections 5-60 through 5-64 of the Vernon Township Code establish a Township Department of Health and Human Services; and

WHEREAS, as of October 1, 2008, all duties and responsibilities of the Vernon Township Department of Health and Human Services have been transferred to the County of Sussex Department of Environmental and Public Health for administration, with the exception of the Bureau of Animal Control established under Chapter 5, Article XII, Section 5-62(f).

NOW, THEREFORE BE IT ORDAINED by the Mayor and Township Council of the Township of Vernon, County of Sussex, State of New Jersey, as follows:

Section 1. There shall continue to be a Vernon Township Bureau of Animal Control. The Bureau Chief shall be the Certified Animal Control Officer. The Certified Animal Control Officer shall be appointed and supervised by the Manager and shall also be subject to removal by the Manager. Subordinate officers and employees of the Certified Animal Control Officer may also be appointed and removed by the Manager.

Section 2. Chapter 5, Article XII, Sections 5-60 through 5-64 of the Vernon Township Code are hereby repealed.

Section 3. All prior ordinances or resolutions or portions thereof the Township Council of the Township of Vernon inconsistent herewith be and are hereby repealed.

Section 4. This ordinance shall become effective upon adoption and publication as required by law.

Section 5. If any clause, section or provision of this ordinance is declared invalid by a Court of competent jurisdiction, such provision shall be deemed separate, distinct and independent provision and shall not affect the validity of the remaining portion hereof.

Ordinance #08-21 was read by title only.

Councilmember Valerie Seufert made a motion to introduce Ordinance #08-21 on first reading and so advertise with second reading and final adoption on October 23, 2008, seconded by Councilmember Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Gary Grey, Austin Carew

NAYES: None.

RESOLUTION TO GO INTO EXECUTIVE SESSION

At 10:17 p.m., Valerie Seufert made a motion to close the meeting to the public and enter into executive session. Motion seconded by Richard Carson.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Gary Grey, Austin Carew

NAYES: None.

Municipal Clerk Robin Kline read the following resolution to go into executive session:

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Vernon as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matters to be discussed is:
Contract – Metairie Redevelopment Agreement.
3. It is anticipated that the above-stated subject matter will be made available upon final decision.
4. This resolution shall take effect immediately.

The meeting was reopened to the public at 11:34 p.m.

OLD BUSINESS

Mayor Carew asked the members of the Township Council if anyone is interested in filling Neil Desmond's unexpired term on the Planning Board to notify him by next week. The term expires December 31, 2008. Mayor Carew also noted that Gary Grey's unexpired term on the Environmental Commission must be filled as well.

The township-wide property revaluation is proceeding and is anticipated to be completed by the end of the year.

NEW BUSINESS

A request to waive vendor fees for the Kiwanis Club circus was discussed.

Richard Carson made a motion to waive the vendor fees for the Kiwanis Club circus event. Seconded by Gary Grey.

A roll call vote was taken:

AYES: Richard Carson, Valerie Seufert, Gary Grey, Austin Carew

NAYES: None.

ADJOURNMENT

There being no further items of business to be conducted on the Regular Meeting agenda, a motion for Adjournment was made Valerie Seufert, seconded by Gary Grey, with all members voting in favor.

The Regular Meeting of the Township Council of the Township of Vernon was adjourned at 11:47 p.m.

Respectfully submitted,

Robin R, Kline, MAS, RMC
Municipal Clerk

Minutes approved: November 13, 2008